

## Article 38, section 4 of the Code.

## 10-1103. SEARCH WARRANT.

IF ANY NATURAL RESOURCES POLICE OFFICER OR ANY LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT ANY PERSON POSSESSES ANY BIRD, MAMMAL, AMPHIBIAN, OR REPTILE OR ANY DEVICE IN VIOLATION OF THIS TITLE, THE OFFICER SHALL GO BEFORE ANY DISTRICT COURT JUDGE OF THE COUNTY IN WHICH THE SPECIES OF WILDLIFE OR DEVICE IS BELIEVED TO BE AND MAKE AFFIDAVIT TO THAT FACT. IF THE JUDGE FINDS THE AFFIDAVIT LEGALLY SUFFICIENT, HE SHALL ISSUE A SEARCH WARRANT AGAINST THE PERSON COMPLAINED OF, DIRECTED TO THE OFFICER MAKING THE AFFIDAVIT, COMMANDING HIM TO PROCEED AT ONCE AND SEARCH FOR THE BIRD, MAMMAL, AMPHIBIAN, OR REPTILE OR THE DEVICE AND, UPON FINDING IT, TO SEIZE, TAKE POSSESSION, AND KEEP IT UNTIL FURTHER ORDER BY THE JUDGE. THE WARRANT SHALL BE EXECUTED PURSUANT TO THE MARYLAND RULES OF PROCEDURE OR THE MARYLAND DISTRICT COURT RULES. THE WARRANT SHALL BE RETURNED WITHIN FIVE DAYS FROM THE ISSUING DATE OR WITHIN A SHORTER PERIOD OF TIME SET FORTH IN THE SEARCH WARRANT.

REVISOR'S NOTE: This section is new language modeled after an identical provision in Title 4 (section 4-1203) relating to fish. The phrase "bird, mammal, amphibian, or reptile" is added, of course, to relate to the subject matter of this title.

Title 1 (section 1-204) gives the Secretary all the powers of a State police officer. New language is added in this and subsequent subsections to indicate that the law enforcement officers may obtain a warrant consistent with the provisions of section 1-204.

A reference to the Maryland Rules of Procedure and the Maryland District Court Rules is added to codify the present department practice. This addition does not change the statutory meaning substantively because Natural Resources Police officers have all the powers and authorities of State police officers.

## 10-1104. SEARCH WITHOUT WARRANT; WARRANTLESS SEARCH OF AUTOMOBILE; EXCEPTIONS.